



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,017-P7)

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| In the Application of: |) | |
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| Kathleen E. Rodgers, et al. |) | Art Unit: 1653 |
| |) | |
| Serial No. 09/723,197 |) | Examiner: Kam, Chih Min |
| |) | |
| Filed: November 27, 2000 |) | |
| |) | |
| Title: Methods for Treating a Patient |) | |
| Undergoing Chemotherapy |) | |

INFORMATION DISCLOSURE STATEMENT

Mail Stop: IDS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Pursuant to 37 C.F.R. §1.98(d), copies of references numbered 1-60 are not provided herewith, since they were previously filed in the parent application.

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This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97 (b)
- ☒ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below)

OR

- ☒ the fee of \$180.00 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" and "Method of Payment of Fees" below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEES

☐

No fee is owed by the applicant(s).

☒

The **IDS Fee of \$180.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.

METHOD OF PAYMENT OF FEES

☐

Attached is a check in the amount of \$180.00

☒

Charge Deposit Account No. 13-2490 in the amount of \$180.00. (A duplicate copy of this communication is enclosed for that purpose.)

Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490. A duplicate copy of this communication is enclosed for this purpose.

CERTIFICATE OF MAILING VIA EXPRESS MAIL DELIVERY under 37 C.F.R. § 1.10. I hereby certify that the attached paper of fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313, on this 25th day of September, 2003 Express Mail No. EV334708803US.

Respectfully submitted,

Date: 9/25/03


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United States Patents

1. U.S. Patent No. 5,605,931, Wayne R. Hanson, issued February 25, 1997.
2. U.S. Patent No. 5,015,629, DiZerega, G., issued May 14, 1991.
3. U.S. Patent No. 5,629,292, Rodgers et al., issued May 13, 1997.
4. U.S. Patent No. 5,693,616, Krstenansky, et al. issued December 2, 1997.
5. U.S. Patent No. 5,595,973, Bogden, A.E, issued January 21, 1997.
6. U.S. Patent No. 5,955,430, Rodgers et al., issued September 21, 1999.
7. U.S. Patent No. 5,834,432, Rodgers et al., issued November 10, 1998.
8. U.S. Patent No. 5,716,935, Rodgers, et al., issued February 10, 1998.

Foreign Documents:

9. PCT Published Patent Application No. WO 95/08565, Published on March 30, 1995.
10. PCT Published Patent Application No. WO 95/08337, Published on March 30, 1995.
11. PCT Published Patent Application No. WO 96/39164, Published on December 12, 1996.
12. PCT Published Patent Application No. WO 96/14858, Published on May 23, 1996.
13. PCT Published Patent Application No. WO 96/15795, Published on May 30, 1996.
14. PCT Published Patent Application No. WO 96/40090, Published on December 19, 1996.
15. PCT Published Patent Application No. WO 97/27867, Published on August 7, 1997.
16. PCT Published Patent Application No. WO 97/34627, Published on September 25, 1997.
17. PCT Published Patent Application No. WO 98/26795, Published on June 25, 1998.
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19. PCT Published Patent Application No. WO 98/33813, Published on August 6, 1998.

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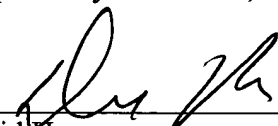
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In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully Submitted,

Date: 9/25/03

By:



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FORM PTO-1449
(Rev. 2-32)

U. S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

97,017-P7

Serial No.

09/723,197

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use several Sheets is Necessary)

Applicant: Kathleen E. Rodgers, et al.

Filing Date:
11-27-00

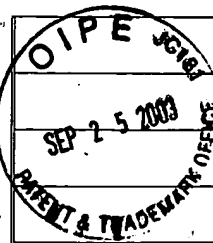
Group: 16533

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| Examiner Initials | | Document Number | Date | Name | Class | Subclass | Filing Date if Appropriate |
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| | 1. | 5,605,931 | 2-25-97 | Hanson, et al. | | | |
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| | 4. | 5,693,616 | 12-2-97 | Krstenansky, et al. | | | |
| | 5. | 5,595,973 | 1-21-97 | Bodgen, et al. | | | |
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| Examiners Initials | | Document Number | Date | Country | Class | Subclass | Translation | |
|-----------------------|-----|--------------------|----------|---------|-------|----------|-------------|----|
| | | | | | | | Yes | No |
| | 9. | WO 95/08565 | 3-30-95 | PCT | | | X | |
| | 10. | WO 95/08337 | 3-30-95 | PCT | | | X | |
| | 11. | WO 96/39164 | 12-12-96 | PCT | | | X | |
| | 12. | WO 96/14858 | 5-23-96 | PCT | | | X | |
| | 13. | WO 96/15795 | 5-30-96 | PCT | | | X | |
| | 14. | WO 96/40090 | 12-19-96 | PCT | | | X | |
| | 15. | WO 97/27867 | 8-7-97 | PCT | | | X | |

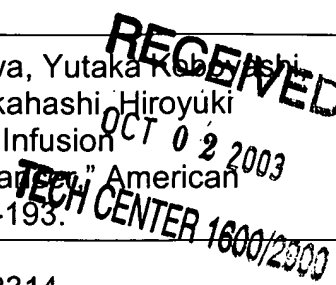
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|  | 16. | WO 97/34627 | 9-25-97 | PCT | | |
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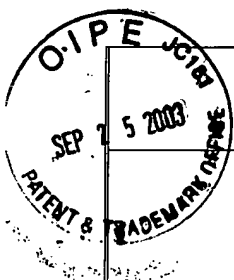


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